

**CHARTER TOWNSHIP OF ELMWOOD
ZONING BOARD OF APPEALS
REGULAR MEETING**

June 2, 2021
7:00 PM



ZBA Members:

Gary Bergstrom, Chair
Jeff Aprill, Vice-Chair
Jason Razavi, Secretary
Ray Haring
Jim O'Rourke
Randy Baidas-Alternate

The Township, in an effort to help protect the health and safety of all Township residents during the COVID-19 pandemic, will be conducting this meeting remotely. All Commission members will be participating remotely.

The public will be able to listen to the meeting and offer public comment by calling (312)626-6799. The webinar ID is 898 1077 6601.

The public can watch the meeting live by following a link on the Township website at leelanau.cc/elmwoodtwp.asp. This is video only. To participate in public comment, you must call in to the number above.

Individuals with disabilities who are planning to participate and require reasonable auxiliary aids should contact the Township Clerk by calling 231-946-0921.

- A. Call to order - 7:00 pm
- B. Roll Call
- C. Public Comment (Speakers to identify themselves by name and address, limited to 3 minutes each)
- D. Agenda Modifications/Approval
- E. Declaration of Conflict of Interest: *(Items on the Agenda)*
- F. Approval of Minutes: March 29, 2021
- G. New Business:
 - 1. ZBA 2021-03 Request by JML Design Group on behalf of Ginette Gomez to expand a non-conforming use damaged by fire at 8110 S Lakeview Rd, Parcel #45-004-101-022-00 in the Residential 1 Zoning District. This request is to reconstruct a non-conforming use, single family dwelling (there are 2 dwellings on the property) and increase the height of the structure by 10'-6" to 29'-6" from 19'.
- H. Old Business:
- I. Comments from the Chair

- J. Comments from ZBA Members
- K. Announcements
- L. Public Comment (Speakers to identify themselves by name and address, limited to 2 minutes each)
- M. Adjourn - 9:00 pm or majority vote to extend meeting

**Charter Township of Elmwood
Zoning Board of Appeals
Regular Meeting
March 29, 2021
7:00 PM**

Held via Zoom due to COVID-19

A. CALL TO ORDER: Gary Bergstrom called the meeting to order at 7:03 p.m.

B. ROLL CALL: Jim O'Rourke, Greilickville, MI, Ray Haring, Elmwood Township, Leelanau County, MI, Jason Razavi, Traverse City, MI, Jeff Aprill-Cedar, MI, Gary Bergstrom, Elmwood Township, Leelanau County, MI

C. PUBLIC COMMENT: Athena Thompson

D. AGENDA MODIFICATIONS/APPROVAL: MOTION BY RAY HARING, SECOND BY JEFF APRILL TO APPROVE THE AGENDA AS PRESENTED.

**ROLL CALL VOTE: AYE-JEFF APRILL, RAY HARING, JASON RAZAVI, JIM O'ROURKE, GARY BERGSTROM
MOTION PASSED.**

E. DECLARATION OF CONFLICT OF INTEREST: None

F. APPROVAL OF MINUTES: JANUARY 13, 2021: MOTION BY JIM O'ROURKE, SECOND BY JEFF APRILL TO APPROVE MINUTES OF JANUARY 13, 2021. ROLL CALL VOTE: AYE-JIM O'ROURKE, JEFF APRILL, JASON RAZAVI, RAY HARING, GARY BERGSTROM. MOTION APPROVED UNANIMOUSLY.

G. NEW BUSINESS:

1. ZBA 2021-02 Request by Steve Werner on behalf of Mark and Dawn Langdon for a front yard variance request at 10195 S West Bay Shore Dr. and 10169 S West Bay Shore Dr., Parcel #45-004-016-014-00 and parcel #45-004-016-005-00 for a 12-foot front yard setback variance from the required 30 foot front yard setback to construct a single family dwelling in the Residential 1 Zoning District.

Staff noted the site plan shows what the request is for, where the building envelope currently exists, and then where the outline of the structure they would like to build is on the property. Steve is there and can give a little more background and presentation on the

application. Something to keep in mind is in order to build on the two parcels they will have to combine the parcels into one parcel to do the construction. That is something that will come across her desk for a land use permit.

Steve Werner thanked the board for letting him present the project to them. There are two parcels of land that Mark and Dawn own side by side, they would like to raze those properties, and build one continuous house on that lot. Given the restrictions of the lot, having been developed long before zoning was ever applied, the northern lot has a narrow end at the northern most part of only 11' wide, and the deepest part of that lot is approximately 26'. The existing buildings that are illustrated on the lot are currently in violation of the zoning, or non-conforming. They are proposing a non-conformity as well, but what they are proposing is 18' off of the property line, but they are also asking for 12' of setback relief to be able to do that. The house has a unique shape because of the uniqueness of the lot being long and narrow. They believe if they are granted the setback relief, it will be a huge improvement for everybody. Most of all the right of way off the street, removing a driveway cut that backs up very close to the street and a very dangerous situation. The driveway they would propose would be a U shaped driveway that you would only enter and exit out, never backing out onto the street. They would also be giving relief to the southern part and would also be removing an existing structure that is over the property line.

The Board asked Steve Werner questions and discussed the variance.

Public Comment: Athena Thompson added with the north property and with the new building envelope that has been added to it since back when these houses were originally built, leaves the north property rendered unbuildable, if it were two separate properties and stayed two separate properties, that property is actually being improved by being connected to the south property and becoming one home. Otherwise that property would have to go through a public review again because someone would not be able to change the house. She reiterated the driveway in some of the sketches was to be a nice roundabout which would allow for ease of any emergency traffic off the road or cars travelling and also reiterated what Steve said that the garage is separate and would look more like a carriage house and the entrance is in the middle.

Liz Bailey lives directly across from the house on the north side and she doesn't see how this large of a property can be an improvement. Yes, right now if you look at the house across the street, the bushes aren't blooming and it's not beautiful, but when this house goes up, the people across the street will lose their view and it's going to be a long stretch

of house that is very close to the road. The driveway could be adjusted, they could have a turnaround, and any way you look at it, there is a buildable footprint.

Staff noted the ZBA did receive public comment letters she sent to them from Todd Space, Elizabeth Bailey, Tammy Space, and Arlene Bailey.

Gary Bergstrom noted, for the record, in regards to the letters, the one from Todd Space, dated March 22, 2021, lives across the street from the property and wrote a four page letter. The one from Elizabeth Bailey is dated March 21st, 2021, who also lives across the street, the third letter from dated March 25th, 2021, from Tammy Space stated she is the occupant of a house across the street, and the forth letter from Arlene Bailey dated March 25th, 2021, also lives across the street. So, those four letters are in opposition to the variance.

The Board went into deliberation and went through the Findings of Fact and Conditions.

MOTION BY JASON RAZAVI, SECOND BY JIM O'ROURKE TO DENY THE REQUEST BASED ON ITEMS A, C, AND G IN FINDINGS OF FACT. ROLL CALL VOTE: AYE-RAY HARING, JEFF APRILL, JIM O'ROURKE, JASON RAZAVI, GARY BERGSTROM. MOTION PASSED UNANIMOUSLY.

H. OLD BUSINESS: None

I. COMMENTS FROM THE CHAIR: Gary Bergstrom commented on meeting restrictions.

J. COMMENTS FROM ZBA MEMBERS: Jeff Aprill felt like they made the right decision even though it's a challenge to make these decisions.

K. ANNOUNCEMENTS: Staff anticipates an application being filed this week and expects there to be a May 5th meeting.

L. PUBLIC COMMENT:

M. ADJOURN: MOTION BY JEFF APRILL, SECOND BY RAY HARING TO ADJOURN MEETING AT 8:41 PM. ROLL CALL VOTE: AYE-RAY HARING, JASON RAZAVI, JEFF APRILL, JIM O'ROURKE, GARY BERGSTROM. MOTION PASSED.

Zoning Board of Appeals Exhibit List

ZBA 2021-03

Gomez

- A. Elmwood Township Zoning Ordinance
- B. Zoning Board of Appeals Application (Submitted by Applicant)
- C. Site Plan (Submitted by Applicant)
- D. Public Hearing Notice with Mailing List
- E. Assessor's Record Card



Design Group, Ltd.

—“Excellence is our Hallmark”—

225 E. 16th Street, Suite B • Traverse City, MI 49684 • Phone: (231) 947-9019 • Fax: (231) 947-8738

April 29, 2021

Ms. Sara Kopriva, AICP
Elmwood Charter Township
10090 E. Lincoln Rd.
Traverse City, Michigan 49684

**Re: The Vreeken Residence, 8110 South Lakeview Rd.
Zoning Board of Appeals Request**

Dear Ms. Kopriva:

Please accept the following with regards to a request for a variance from the Zoning Board for the above referenced project.

This request for a variance begins with the loss of a family's home due to fire. With the complete loss of their home the family wishes to rebuild the house on the property and continue to utilize the space in the same manner.

The reason for the request of a variance is due to the need for a height increase from the previously existing home. Per the ordinance, the family is allowed to reconstruct their home in the same footprint and spatial envelope as it was prior to the fire. However, with the chance to rebuild, they would like to make the home more suitable to their current needs and wish to increase the space within the home. The requirement for additional space causes an increase in roof height from the previous house to the proposed house. Because we are unable to accurately measure the height of the previous house, we assume the peak of the roof was about 19'-0" above grade. The proposed home's roof is 29'-6" above grade which is within the ordinance allowed 35'-0" maximum height.

The only reason for an appeal is being made is due to the existence of a second residence that exists on the property. The house is to remain and was unaffected by the fire. The (2) structures on a single residential zoned property makes the lot non-conforming. Please consider and approve this request to reconstruct a family's home and allow them to utilize their property as they once did.

Please find enclosed;

1. 10 copies of the drawings (11x17)
2. 1 full sealed sets of drawings.
3. Zoning Board of Appeals completed Application.
4. Signed Designated Agent letter will be emailed to you today.
5. Check for \$ 550.00

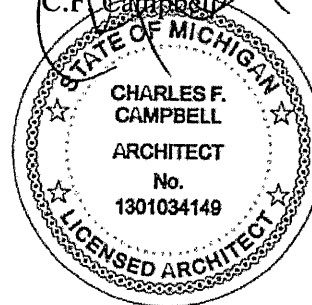
We respectfully request that the project be placed on the ZBA agenda.

If there should be any questions, please contact me.

Sincerely,

C.F. Campbell

FC/tk



CASE NUMBER _____

Charter Township of Elmwood
ZONING BOARD OF APPEALS APPLICATION

Property Address: 8110 S. Lakeview Rd., Traverse City, MI 49684

Parcel Number: 45-004- 101 - 022 - 00 Zoning District: Residential - R-1

Owner Name: Ginette Gomez Owner Phone: (313) 570-5100

Owner Address: 371 Lincoln St., Grosse Pointe, MI 48230

Applicant Name: JML Design Group Ltd Phone: 231 947 9019

(If Different than Owner)

Applicant Address: 225 E 16th St Ste. B, Traverse City, MI 49684

Type of Request: ☒ Variance ☐ Interpretation ☐ Appeal ☐ Other

Section(s) of Ordinance seeking Variance from: 10.3D Reconstruction of a residence damaged
by fire in a residential district with two existing dwelling units on the lot, requiring ZBA approval. Also Section
5.7B Residential Decks. The existing deck is within the rear yard setback.

Required Dimension in Ordinance: Not Applicable

Amount of Variance Requested from Required Dimension: Not Applicable

Previous Appeal Requests (Date, Request, Decision): Not Applicable

Other Information to Explain Request: To reconstruct the structure damaged by fire within
original footprint and increased building height within current zoning ordinance requirements

Approval Criteria:

The following questions must be answered completely, attach additional pages if necessary.

- a. Will this request be contrary to the intent and purpose of the Zoning Ordinance?

No. The replacement structure will meet the ordinance. The non-conformity is due to the existence of two dwelling units on the property. The proposed expansion will not increase the non-conformity.

b. Will this request establish a use not permitted in the zoning district the property is located in?

No. The use has always been residential and will continue to be residential

c. Will this request cause a substantial adverse effect upon property, which includes, but is not limited to property values, in the immediate vicinity or in the district in which the property of the applicant is located?

No. The improvement will replace the previously existing home with a newly constructed home within the requirements of the ordinance.

d. Will this request be specific to the property and not be so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical?

Yes. This request is to be allowed to build a new house due to fire destroying the existing home. The pre-existing condition of two structures on an R-1 zoned parcel is unique.

e. Will this request relate only to property that is owned or occupied, or where the applicant has equitable interest?

Yes

f. Will this request be the result of a condition created by the applicant?

No. This request was due to an Act of God

g. Will this request create possible precedents or affects, which might result from the approval or denial of the appeal and which would be contrary to the intent and purpose of this Ordinance?

No. The request is strictly in regards to the property in question.

In addition to the above questions, the request must also meet ONE of the following:

a. Are there practical difficulties, which prevent carrying out the strict letter of this Ordinance? These difficulties shall not only be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

The practical difficulty is due to the pre existing, non-conformity caused by the carriage house located on the property.

b. Are there exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district? Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this Ordinance.

No.

- c. Will this request result in a variation necessary for the preservation of a substantial property right possessed by other properties in the same zoning district?

No.

The following questions need to be answered if the request is involving a nonconforming building or structure:

- a. Does the request increase the measurement of the existing dimensional nonconformity? For example, if a structure is nonconforming because it violates a setback requirement by two (2) feet, an added level which otherwise complies with this Ordinance could be permitted, but a lateral extension of the structure which would violate the setback requirement by three (3) feet would not be permitted.

No. The previously existing structure did not violate dimensional restrictions of the Zoning Ordinance. The proposed structure is located within the same footprint. The proposed height will be different than the existing structure but within the 35 ft. height allowed by the ordinance.

- b. Does the request create a new added nonconformity of any type? For example, if a structure is nonconforming because it violates a setback requirement by two (2) feet, then an appeal to enlarge the structure cannot result in a new setback violation at a different location on the property or a violation of the maximum allowable height of a structure

No.

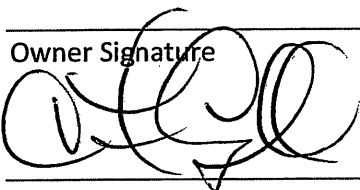
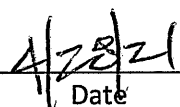
- c. Does the request have an adverse impact on any surrounding property?

No. The property will have no impact on neighboring properties

Remarks: _____

Affidavit:

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does hereby grant a right of entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding this request. The undersigned also affirms that he/she or they have reviewed the standards for approval in Article 16 of the Zoning Ordinance.

Owner Signature	Date
	
Applicant Signature	Date

OFFICE USE ONLY:

ZBA Case Number: _____ Fee: _____ Paid: _____
Board Decision: _____ Date: _____
Date Permit Issued: _____ Issued By: _____

PROPOSED RESIDENCE
FOR STEVEN VREEKEN AND GINETTE GOMEZ
TRAVERSE CITY, MICHIGAN

ARCHITECT:

JML DESIGN GROUP, LTD.
225 E. 16TH STREET, SUITE B
TRAVERSE CITY, MI. 49684
PHONE: (231) 947-9019
EMAIL: jmlldg@att.net

OWNER:

STEVEN VREEKEN AND GINETTE GOMEZ
8110 S. LAKEVIEW RD.
TRAVERSE CITY, MICHIGAN
49684

CONTACT:

STEVE VREEKEN
313-570-5100
EMAIL: s.vreeken@systemhomeservices.com

LIST OF DRAWINGS:

	COVER SHEET
C-1.1	EXISTING SITE PLAN
C-1.2	PROPOSED SITE PLAN
A-1.1	EXISTING FLOOR PLAN
A-1.2	FIRST FLOOR PLAN
A-1.3	SECOND FLOOR PLAN
A-2.1	EXTERIOR ELEVATIONS
A-2.2	EXTERIOR ELEVATIONS

BUILDING PLANNING

BUILDING CODE REQUIREMENTS CONFORMS
TO 2015 MICHIGAN BUILDING CODE

BUILDING USE GROUP:
RESIDENTIAL (R-1)

EX. NON-CONFORMING PARCEL

MIN. 12'500 SF. LOT
100 FT WIDTH
30 FT WATER EDGE
30 FT FRONT SETBACK
10 FT SIDE SETBACK
25 FT REAR SETBACK
35 FT HIGH MAX.

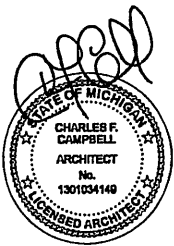
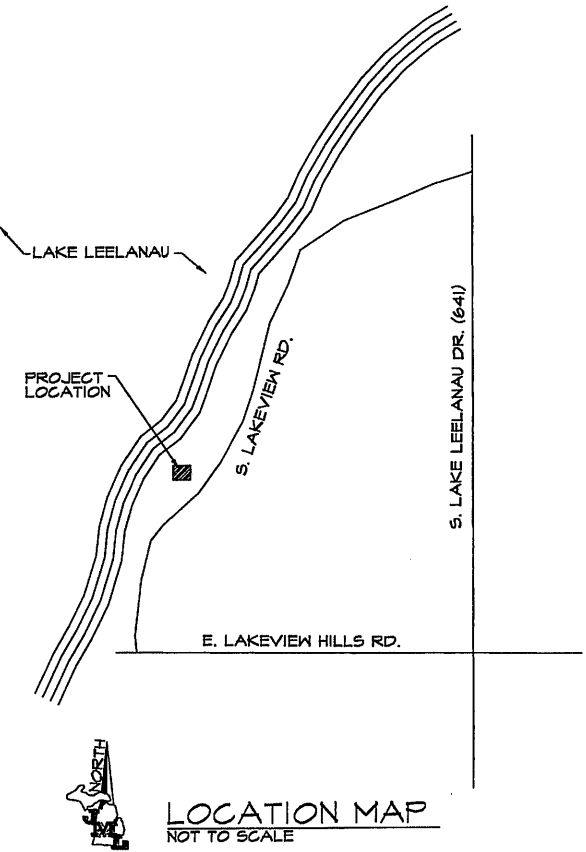
CHECK EX. IF COULD CONSIDER ACCESSORY?

ZONING ADM. APPROVAL?

3.5 DWELLING PER LOT
3.12 MIN. 24 FT WIDTH 120 SF PERMIT

ACC. BUILDINGS:
NO CLOSER THAN 10 FT. FROM SIDE LOT LINE
NO MORE THAN 30% OF REAR YARD
25 FT HEIGHT MAX.

DECKS:
ACC. STRUCTURE PERMITTED IN WATER SETBACK
250 SF. MAX.
MAY BE ALTERED IF IN COMPLIANCE W/ ART. 10



JML DESIGN GROUP, LTD.

225 E. 16TH STREET, SUITE B

TRAVERSE CITY, MICHIGAN 49684

(231) 947-9019

JML DESIGN GROUP, LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY, MICHIGAN 49684

scale:
AS NOTED
drawn:
CFC/JEB/MD

architect:
CF CAMPBELL
phone: (231) 947-9019
e-mail: jmlldg@att.net

revisions:
04/28/21 PLANNING COMMISSION

owner information:
MRS. STEVEN VREEKEN &
GINETTE GOMEZ
8110 S. LAKEVIEW RD.
TRAVERSE CITY, MI 49684

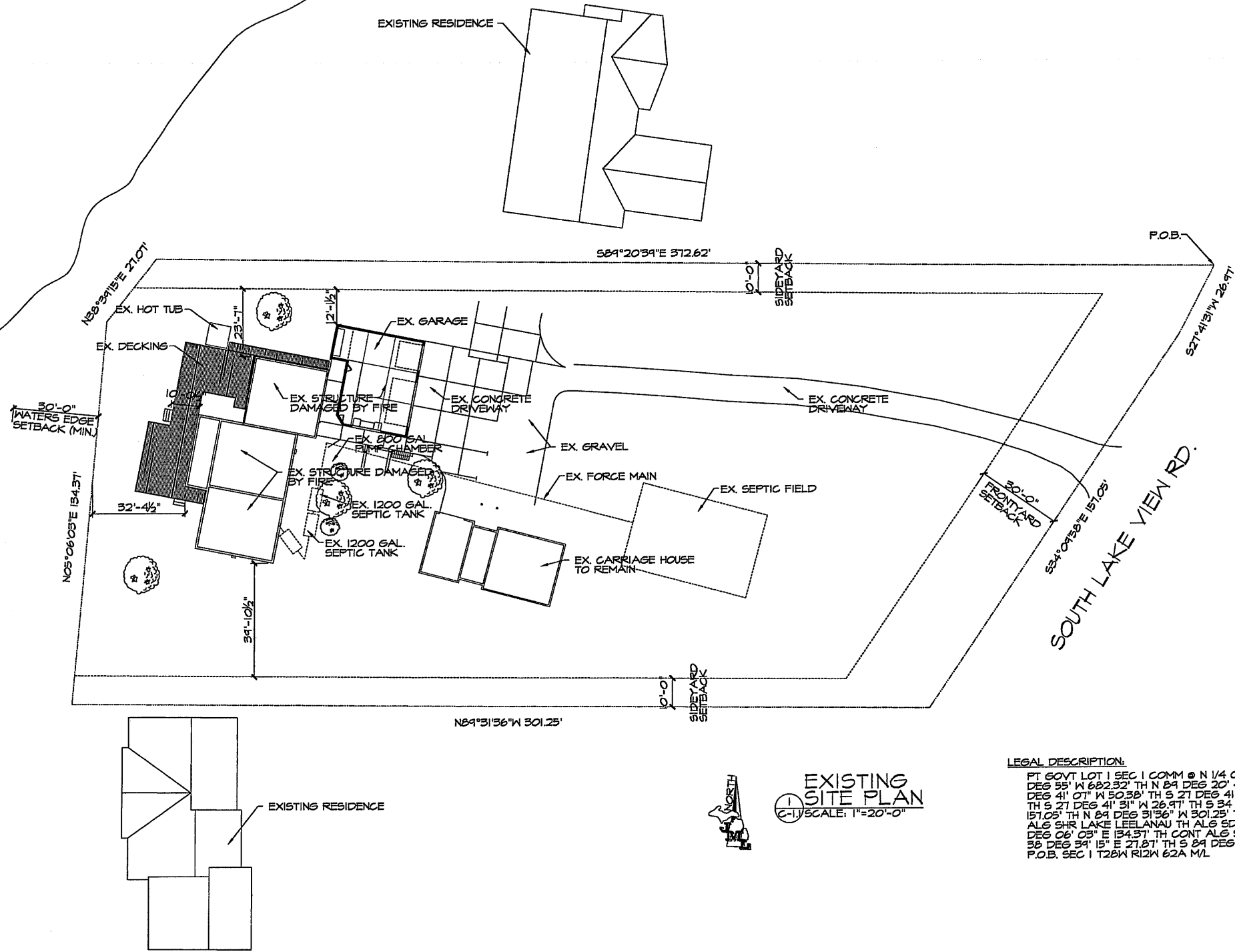
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COVER SHEET
Project Name:
VREEKEN RESIDENCE

0 preliminary
1 construction

date:
04/28/21
sheet:

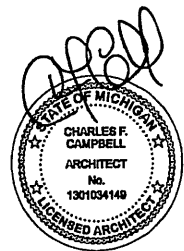
COVER

LAKE LELANAU



EXISTING
SITE PLAN
SCALE: 1"=20'-0"

LEGAL DESCRIPTION:
PT. GOVT. LOT 1 SEC. 1 COMM. @ N 1/4 COR. SD SEC. TH S 00 DEG 55' W 682.32' TH N 89 DEG 20' 40" W 518.03' TH S 31 DEG 41' 01" W 50.38' TH S 27 DEG 41' 31" W 5.41' TO P.O.B. TH S 27 DEG 41' 31" W 26.91' TH S 34 DEG 09' 58" W 151.05' TH N 89 DEG 31'36" W 301.25' TO TRAVERSE LN ALG SHR LAKE LELANAU TH ALG SD TRAVERSE LN N 05 DEG 06' 03" E 134.31' TH CONT. ALG SD TRAVERSE LN N 38 DEG 39' 15" E 21.81' TH S 89 DEG 20' 39" E 312.62' TO P.O.B. SEC. 1 T28W R12W 62A M1



JNL DESIGN GROUP, LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY MICHIGAN 49684

sheet title:
EXISTING SITE PLAN
project name:
VREEKEN RESIDENCE

date:
04/28/21
sheet:
C-1.1

project location:
2110 S. LAKEVIEW DRIVE
TRAVERSE CITY, MI
49684

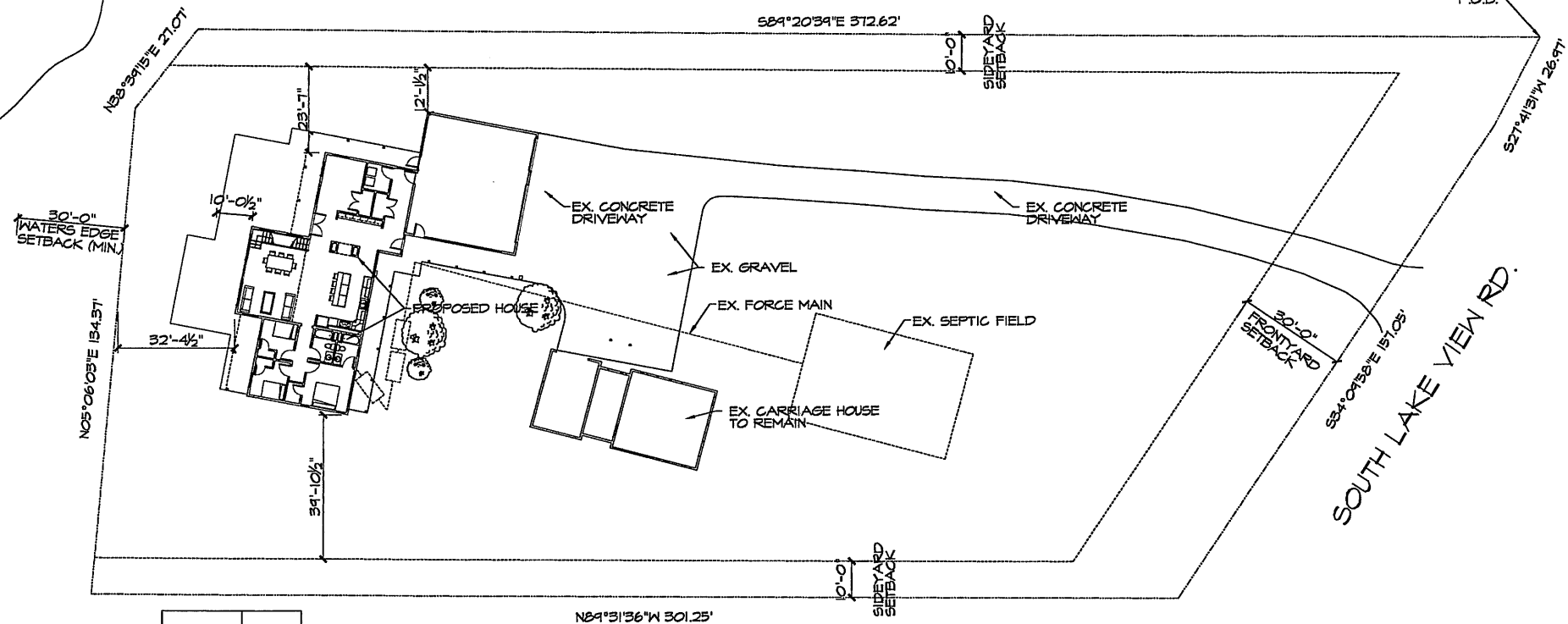
owner information:
MR. STEVEN VREEKEN &
MRS. GINETTE GOMEZ
2110 S. LAKEVIEW RD.
TRAVERSE CITY, MI 49684

revision:
04/28/21 PLANNING COMMISSION

architect:
CF CAMPBELL

scale:
AS NOTED
drawn:
CFC/JEB/MD

LAKE LELANAU



PROPOSED
SITE PLAN
SCALE: 1"=20'-0"

LEGAL DESCRIPTION:

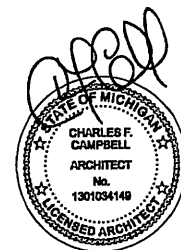
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PROPERTY ZONED: R-1 - RESIDENTIAL

MIN. LOT SIZE: 12,500 SF

REQUIRED SETBACKS:
FRONT 30'-0"
REAR 25'-0"
SIDE 10'-0"
WATER 30'-0"

LOT WIDTH: 100'-0"
HEIGHT: 35'-0"



sheet title:
PROPOSED SITE PLAN
project name:
VREEKEN RESIDENCE

0 preliminary
1 construction

date:
04/28/21
sheet:
C-1.2

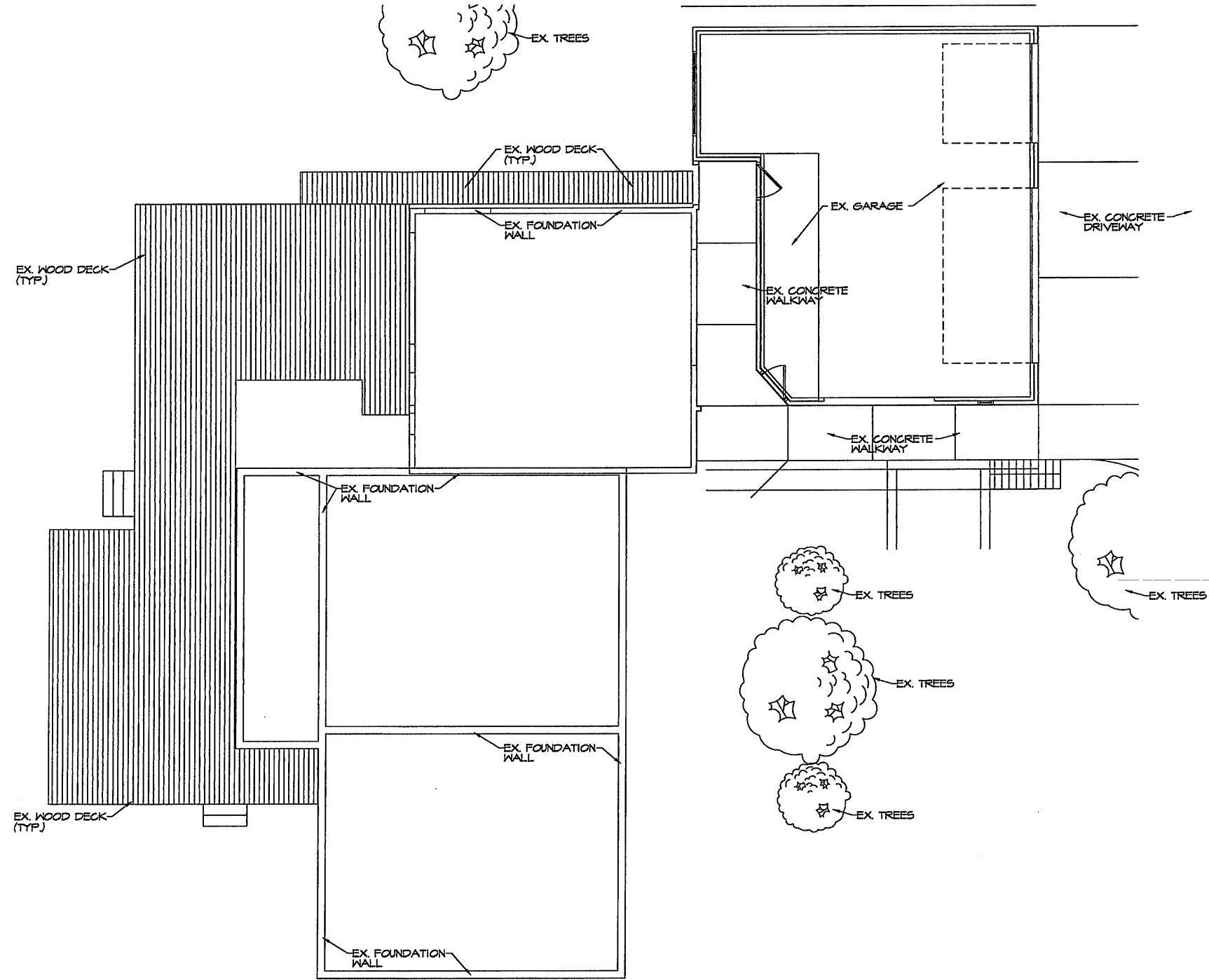
owner information:
MR. STEVEN VREEKEN &
MRS. GINETTE GOMEZ
810 S. LAKEVIEW DRIVE
TRAVERSE CITY, MI
49684

revision:
04/28/21 PLANNING COMMISSION

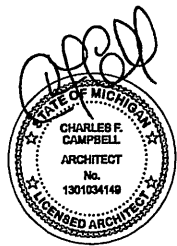
architect:
CF CAMPBELL
phone: (231) 947-4014
e-mail: jmidgett.net

scale:
AS NOTED
drawn:
CFC/JEB/MD

JML DESIGN GROUP, LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY MICHIGAN 49684

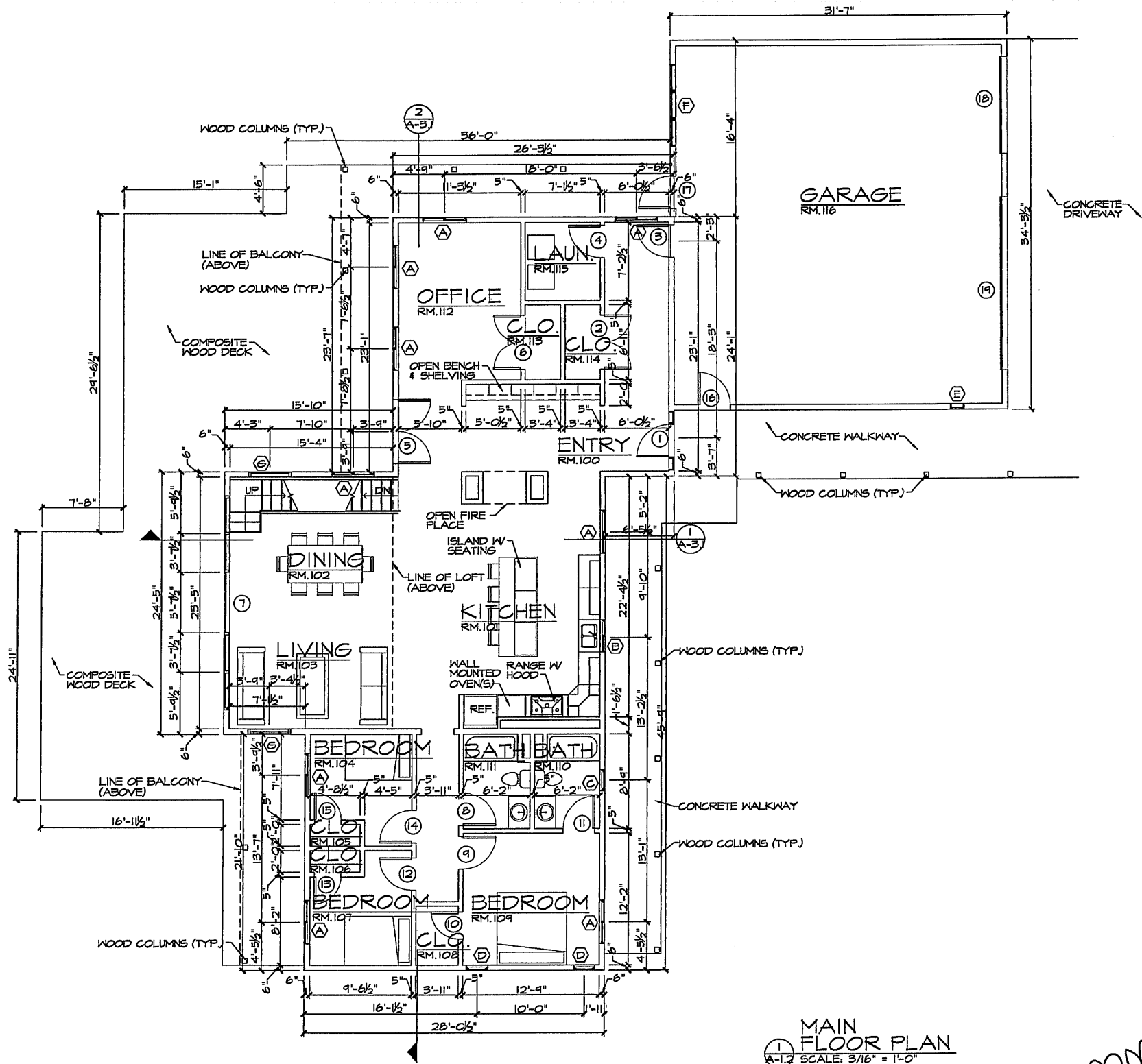


EXISTING FLOOR PLAN
A-1.1 SCALE: 3/16" = 1'-0"

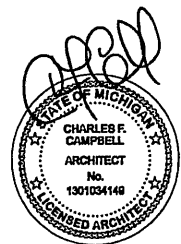


JML DESIGN GROUP, LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY MICHIGAN 49684

<div>0 preliminary</div> <div>● construction</div>	<div>sheet title:</div> <div>EXISTING FLOOR PLAN</div> <div>project name:</div> <div>VREEKEN RESIDENCE</div>	<div>project location:</div> <div>5110 S. LAKEVIEW DRIVE</div> <div>TRAVERSE CITY, MI</div> <div>49684</div>	<div>owner information:</div> <div>MRS. STEVEN VREEKEN &</div> <div>MRS. GINETTE VREEKEN</div> <div>TRAVERSE CITY, MI 49684</div>	<div>revisions:</div> <div>04/28/21 PLANNING COMMISSION</div>	<div>architect:</div> <div>CF CAMPBELL</div> <div>phone: (231) 947-4019</div> <div>e-mail: jmlg@att.net</div>	<div>scale:</div> <div>AS NOTED</div> <div>drawn:</div> <div>CFC/JEB/MD</div>
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MAIN FLOOR PLAN
SCALE: 3/16" = 1'-0"



JML DESIGN GROUP, LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY, MICHIGAN 49684

sheet title
MAIN FLOOR PLAN
project name
VREEKEN RESIDENCE

sheet
A-1.2

date:
04/28/21

sheet:
A-1.2

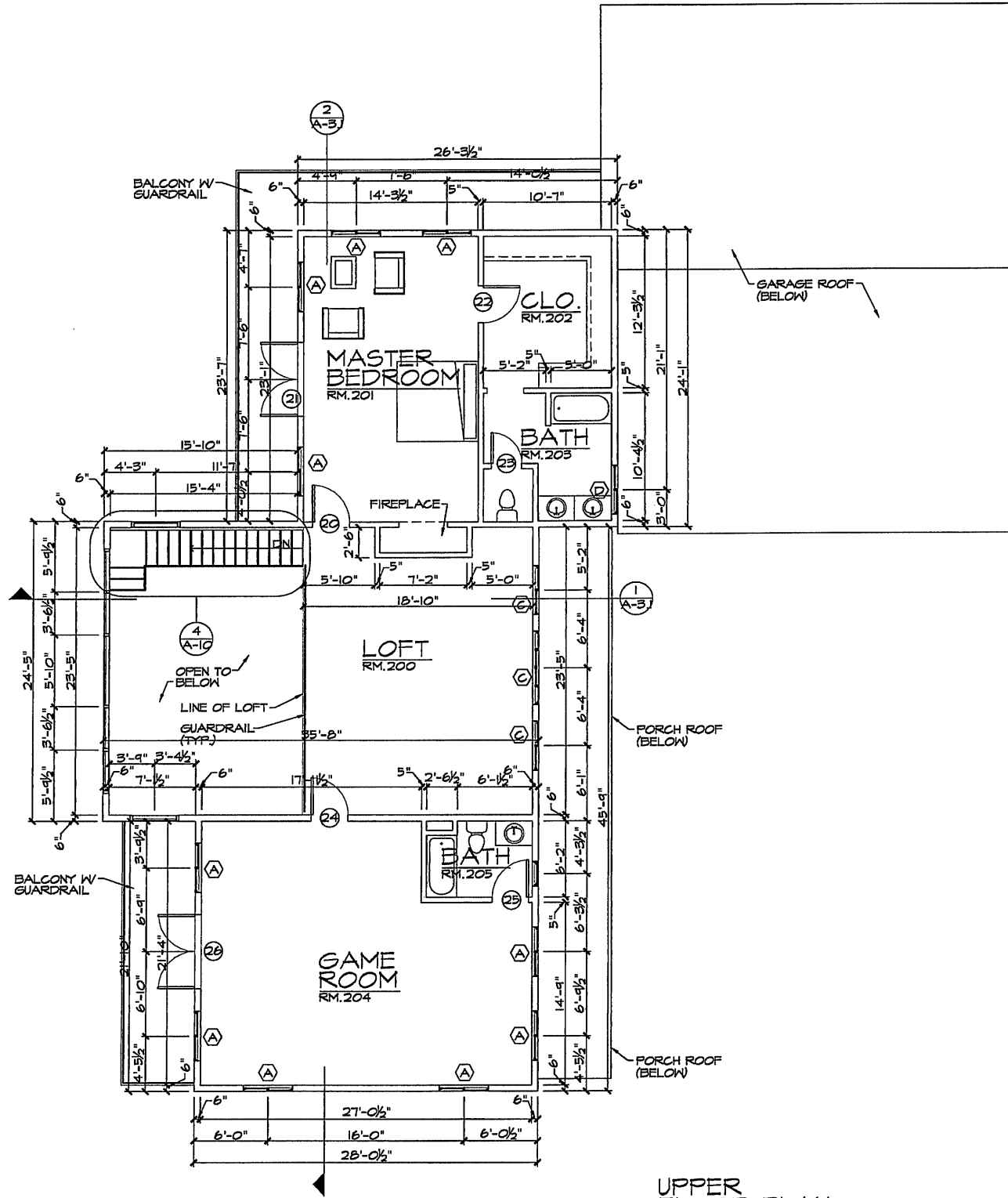
project location:
5110 S. LAKEVIEW DRIVE
TRAVERSE CITY, MI 49684

owner information:
MR. STEVEN VREEKEN &
MRS. SARA VREEKEN
TRAVERSE CITY, MI 49684

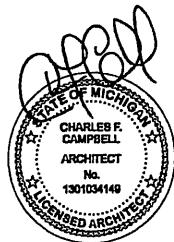
revision:
04/28/21 PLANNING COMMISSION

architect:
CF CAMPBELL
phone: (231) 947-9019
e-mail: jml@jmlgroup.net

scale:
AS NOTED
drawn:
CFC/JEB/MD



UPPER FLOOR PLAN
SCALE: 3/16" = 1'-0"



JML DESIGN GROUP, LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY MICHIGAN 49684

Sheet Title:
UPPER FLOOR PLAN
Project Name:
VREEKEN RESIDENCE

Project Location:
810 S. LAKEVIEW DRIVE
TRAVERSE CITY, MI
49684

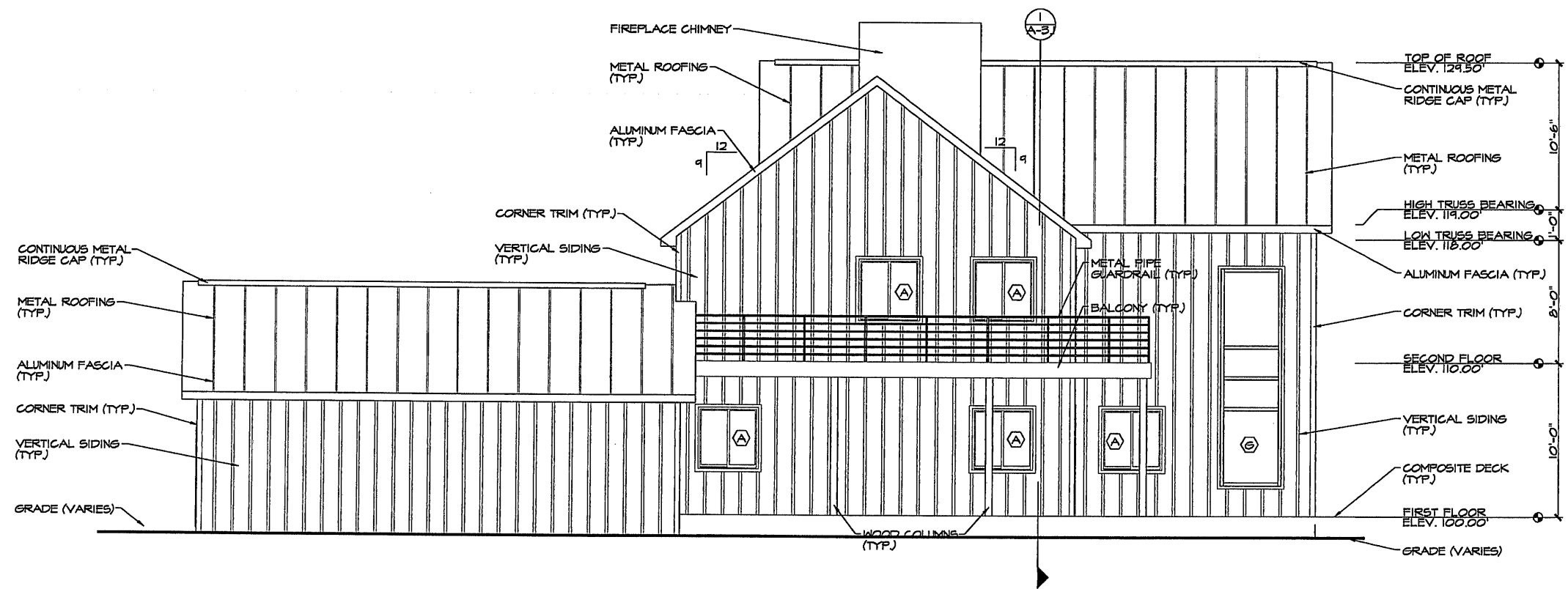
Owner Information:
MR. STEVEN VREEKEN &
MRS. GINETTE GOMEZ
810 S. LAKEVIEW RD.
TRAVERSE CITY, MI 49684

Architect:
CF CAMPBELL
Phone: (231) 447-9019
e-mail: jmlg@att.net

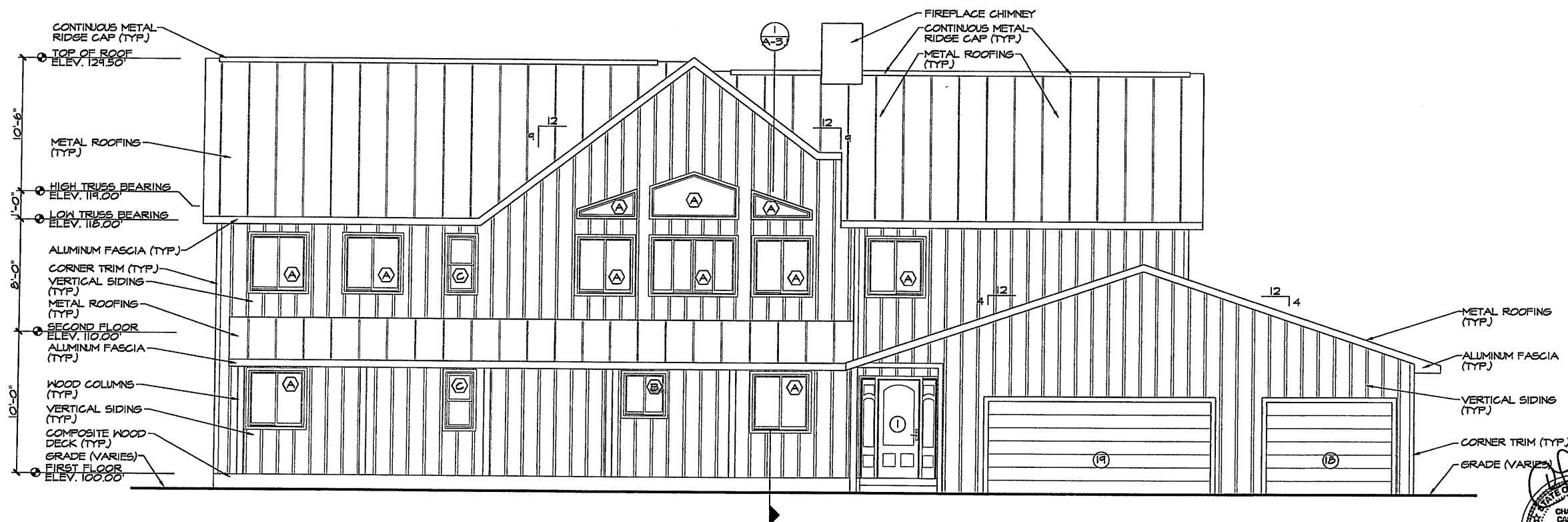
Scale:
AS NOTED
Drawn:
CFC/JEB/MD

0 preliminary
1 construction

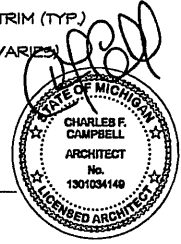
date:
04/28/21
sheet:
A-1.3



NORTH ELEVATION
A-2/SCALE: 1/4" = 1'-0"



EAST ELEVATION
A-2/SCALE: 1/4" = 1'-0"



JML DESIGN GROUP, LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY MICHIGAN 49684

sheet title: EXTERIOR ELEVATIONS project name: VREKEEN RESIDENCE	owner information: MR. STEVEN VREEKEN & MRS. SINETTE GOMEZ 5110 S. LAKEVIEW RD. TRAVERSE CITY, MI 49684	architect: CF CAMPBELL phone: (231) 947-9014 e-mail: jmljdg@att.net	scale: AS NOTED drawn: CFC/JEB/MD
project location: 5110 S. LAKEVIEW DRIVE TRAVERSE CITY, MI 49684	date: 04/28/21 sheet: A-2.1	preliminary construction	

NOTICE OF PUBLIC HEARING AND ELECTRONIC MEETING ELMWOOD CHARTER TOWNSHIP ZONING BOARD OF APPEALS

The following Public Hearing is scheduled for Wednesday, June 2 2021, at 7:00 p.m. before the Elmwood Charter Township Zoning Board of Appeals to consider

ZBA 2021-03 Request by JML Design Group on behalf of Ginette Gomez to expand a non-conforming use damaged by fire at 8110 S Lakeview Rd, Parcel #45-004-101-022-00 in the Residential 1 Zoning District. This request is to reconstruct a non-conforming use, single family dwelling (there are 2 dwellings on the property) and increase the height of the structure by 10'-6" to 29'-6" from 19'.

A complete copy of the application is available at the Township Hall by appointment or online at www.leelanau.cc/elmwoodtwp.asp.

Please take notice that a meeting will be held by electronic remote access. Electronic remote access, in accordance with Michigan law, will be implemented in response to COVID-19 social distancing requirements and limitations on the number of individuals in a meeting hall. All Board members will be participating remotely.

The public will be able to listen to the meeting and offer public comment by calling (312) 626-6799. The webinar ID is 898 1077 6601. The public can watch the meeting live by following a link on the Township website at leelanau.gov/elmwoodtwp.asp. This is video only. To participate in public comment, you must call in to the number above.

Individuals can submit written comments prior to the meeting. Written comments may be submitted prior to the public hearing by mailing them to: Planning and Zoning Department, 10090 E. Lincoln Rd, Traverse City, MI 49684 or planner@elmwoodtownship.net. Written comments submitted prior to the public hearing will be received until 5:00 pm, Wednesday, June 2, 2021.

The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities upon 72 hours advance notice by contacting Connie Preston, Township Clerk, by email, phone, or mail at the below.

Connie Preston
Elmwood Township, Clerk
10090 E. Lincoln Rd.
Traverse City, MI 49684
Phone: (231) 946-0921
Email: clerkpreston@elmwoodtownship.net

Publish: May 13, 2021 Leelanau Enterprise
300 ft mailings- May 14, 2021

NOVERR FRANK E TRUST
7981 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

GILHOOLY JOAN A
8080 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

PAGE TIMOTHY
8164 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

HENSHAW BARBARA B
8178 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

HOWARD RICHARD S & LAURA ...
8150 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

WERBACK RICHARD & BURKE ...
8103 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

KNITZ JOHN M & RUTH ANN
8165 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

WILKINS JAMES R & LAURA
8040 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

GOMEZ GINETTE
8110 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

CLARK DAVID A TRUST
8030 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

NOVERR FRANK E TRUST
7981 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

GILHOOLY JOAN A
38919 JAMISON ST
LIVONIA, MI, 48154

PAGE TIMOTHY
8164 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

HENSHAW BARBARA B
8150 SPRINGVALLEY DR
CINCINNATI, OH, 45236

HOWARD RICHARD S & LAURA ...
8150 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

WERBACK RICHARD & BURKE ...
8103 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

KNITZ JOHN M & RUTH ANN
8165 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

WILKINS JAMES R & LAURA
2908 TURNBERRY DR
FINDLAY, OH, 45840

GOMEZ GINETTE
371 LINCOLN ST
GROSSE POINTE, MI, 48230

CLARK DAVID A TRUST
8030 S LAKEVIEW RD
TRAVERSE CITY, MI, 49684

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Pront. Trans.
NOVER FRANK E	GOMEZ GINETTE	***, ***	09/05/2017	WD	WARRANTY DEED	1306:180	BUYER	100.0
MEYER JAMES A & EDITH LEA	NOVER FRANK E	760,000	07/05/2011	MLC	GOOD IMP WATER	1091:176	BUYER	100.0
Property Address								
8110 S LAKEVIEW RD								
Owner's Name/Address								
GOMEZ GINETTE								
4 LAKE CT								
GROSSE POINTE MI 48230								
Class: RESIDENTIAL		Zoning: R-1		Building Permit(s)		Date		Status
School: TRAVERSE CITY SCHOOL DIST.								
P.R.E. 0%								
MAP #: 82								
2021 Est TCV 958,957 TCV/TFA: 342.24								
X Improved	Vacant	Land Value Estimates for Land Table 04.R- LAKE LEE LANAU						
Public								
Improvements								
Dirt Road								
Gravel Road								
Paved Road								
Storm Sewer								
Sidewalk								
Water								
Sewer								
Electric								
Gas								
Curb								
Street Lights								
Standard Utilities								
Underground Utils.								
Topography of Site								
Level								
Rolling								
Low								
High								
Landscaped								
Swamp								
Wooded								
Pond								
Waterfront								
Ravine								
Wetland								
Flood Plain								
Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value		
2021	347,400	132,100	479,500			462,789C		
2020	347,400	109,000	456,400			456,400S		
2019	347,400	119,700	467,100			467,100S		
2018	347,400	141,700	489,100			489,100S		

*** Information herein deemed reliable but not guaranteed***

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: Township of Ieland, County of
Leelanau, Michigan

Building Type		(3) Roof (cont.)				(11) Heating/Cooling				(15) Built-ins		(15) Fireplaces		(16) Porches/Decks		(17) Garage	
X	Single Family	Eavestrough				X	Gas	Oil	Elec.	Appliance Allow.		1		Interior 1 Story		Area	Year Built: 1997
	Mobile Home	X Insulation					Wood	Coal	Steam	Cook Top		Interior 2 Story		2nd/Same Stack		368	Car Capacity:
	Town Home	1 Front Overhang					Forced Air w/o Ducts			Dishwasher		Two Sided		Two Sided		358	Class: C
	Duplex	1 Other Overhang				X	Forced Air w/ Ducts			Garbage Disposal		Exterior 1 Story		Exterior 2 Story		552	Exterior: Siding
	A-Frame						Forced Hot Water			Bath Heater		Exterior 1 Story		Treated Wood		296	Brick Ven.: 0
	Wood Frame	(4) Interior					Electric Baseboard			Vent Fan		Exterior 2 Story		Treated Wood			Stone Ven.: 0
		X Drywall					Elec. Ceiling			Hot Tub		Prefab 1 Story					Common Wall: Detache
		Paneled					Radiant (in-floor)			Unvented Hood		Heat Circulator					Foundation: 18 Inch
		Trim & Decoration					Electric Wall Heat			Vented Hood		Heat Stove					Finished ?
		Ex X Ord Min					Space Heater			Jacuzzi Tub		Wood Stove					Auto. Doors: 0
		Size of Closets					Wall/Floor Furnace			Jacuzzi repl. Tub		Direct-Vented Ga					Mech. Doors: 0
		Lg X Ord Small					Forced Heat & Cool			Oven							Area: 944
		Doors Solid H.C.					Heat Pump			Microwave		Class: C +10					% Good: 0
		(5) Floors					No Heating/Cooling			Standard Range		Floor Area: 2,112					Storage Area: 0
		Kitchen: Vinyl					Central Air			Self Clean Range		Total Base New: 318,507					No Conc. Floor: 0
		Other: Carpeted					Wood Furnace			Sauna		Total Depr Cost: 232,480					Bsmnt Garage:
		Other:					(12) Electric			Trash Compactor		Estimated T.C.V: 197,608					Carport Area:
		(6) Ceilings					200 Amps Service			Security System							Roof:
		X Drywall					No./Qual. of Fixtures										
		X Drywall					Ex. X Ord. Min										
		(7) Excavation					No. of Elec. Outlets										
		Basement: 1288 S.F.					Many X Ave. Few										
		Crawl: 200 S.F.					(13) Plumbing										
		Slab: 624 S.F.					Average Fixture(s)										
		Height to Joists: 0.0					3 3 Fixture Bath										
		(8) Basement					1 2 Fixture Bath										
		Conc. Block					Softener, Auto										
		Poured Conc.					Softener, Manual										
		Stone					Solar Water Heat										
		Treated Wood					No Plumbing										
		X Concrete Floor					Extra Toilet										
		(9) Basement Finish					Extra Sink										
		Recreation SF					Separate Shower										
		Living SF					Ceramic Tile Floor										
		Walkout Doors					Ceramic Tub Alcove										
		No Floor SF					Vent Fan										
		(10) Floor Support					(14) Water/Sewer										
		Joists:					Public Water										
		Unsupported Len:					Public Sewer										
		Cntr.Sup:					1 Water Well										
							1000 Gal Septic										
							2000 Gal Septic										
		Lump Sum Items:															
		Chimney: Metal															

*** Information herein deemed reliable but not guaranteed***

Notes: MAIN HOUSE

ECF (R-H2O-LAKE LEELEAU) 0.850 => TCV:

197,608

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins		(15) Fireplaces		(16) Porches/Decks		(17) Garage	
X Single Family	Eavestrough	X Gas	Oil	Elec.	Appliance Allow.	Interior 1 Story	Area	Type	Year Built:					
Mobile Home	X Insulation	Wood	Coal	Steam	Cook Top	Interior 2 Story	72	CGEP (1 Story)	Car Capacity:					
Town Home	1 Front Overhang				Dishwasher	2nd/Same Stack	24	CPP	Class: C					
Duplex	1 Other Overhang				Garbage Disposal	Two Sided			Exterior: Siding					
A-Frame	(4) Interior				Bath Heater	Exterior 1 Story			Brick Ven.: 0					
X Wood Frame	X Drywall				Forced Air w/o Ducts	Exterior 2 Story			Stone Ven.: 0					
	Paneled				Forced Air w/ Ducts	Prefab 1 Story			Common Wall: 1/2 Wall					
	Plaster				Electric Baseboard	Heat Circulator			Foundation: 42 Inch					
	Wood T&G				Elec. Ceil. Radiant	Raised Hearth			Finished ?:					
Building Style:	Trim & Decoration				Radiant (in-floor)	Wood Stove			Auto. Doors: 0					
1 STORY	Ex X Ord Min				Electric Wall Heat	Direct-Vented Ga			Mech. Doors: 0					
Yr Built	Size of Closets				Space Heater	Jacuzzi repl.Tub			Area: 308					
1968	Lg X Ord Small				Wall/Floor Furnace	Oven			% Good: 0					
Condition: Good	Doors Solid H.C.				Forced Heat & Cool	Microwave			Storage Area: 0					
	(5) Floors				Heat Pump	Standard Range			No Conc. Floor: 0					
Room List	Kitchen: Vinyl				No Heating/Cooling	Self Clean Range								
Basement	Other: Carpeted				Central Air	Sauna								
1st Floor	Other:				Wood Furnace	Trash Compactor								
Bedrooms	(6) Ceilings				(12) Electric	Central Vacuum								
(1) Exterior	X Drywall				200 Amps Service	Security System								
Wood/Shingle	(7) Excavation				No./Qual. of Fixtures									
X Aluminum/Vinyl	Basement: 0 S.F.				Ex. X Ord. Min									
Brick	Crawl: 0 S.F.				No. of Elec. Outlets									
(2) Windows	Height to Joists: 0.0				Many X Ave. Few									
Many	(8) Basement				(13) Plumbing									
Avg. X	Conc. Block				Average Fixture(s)									
Few	Poured Conc.				1 3 Fixture Bath									
X Wood Sash	Stone				2 Fixture Bath									
Metal Sash	Treated Wood				Softener, Auto									
Vinyl Sash	X Concrete Floor				Solar Water Heat									
Double Hung	(9) Basement Finish				No Plumbing									
Horiz. Slide	Recreation SF				Extra Toilet									
Casement	Living SF				Extra Sink									
X Double Glass	Walkout Doors				Separate Shower									
Patio Doors	No Floor SF				Ceramic Tile Floor									
X Storms & Screens	(10) Floor Support				Ceramic Tile Wains									
(3) Roof	Joists:				Ceramic Tub Alcove									
X Cable	Unsuported Len:				Vent Fan									
Hip	Cntr.Sup:				(14) Water/Sewer									
Flat					Public Water									
X Asphalt Shingle					Public Sewer									
Chimney: Metal					Water Well									
					1000 Gal Septic									
					2000 Gal Septic									
					Lump Sum Items:									

*** Information herein deemed reliable but not guaranteed***

**ELMWOOD CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

DECISION AND ORDER

Applicant: Ginette Gomez

Hearing Date: Wednesday, June 2, 2021

PROPERTY DESCRIPTION

Parcel ID number is 45-004-101-022-00 the property is located in the Residential 1 Zoning District. The parcel is located at 8110 S Lakeview in Traverse City, Section 1, Elmwood Township.

APPLICATION

The applicant requests to expand a non-conforming use damaged by fire at 8110 S Lakeview Rd, Parcel #45-004-101-022-00 in the Residential 1 Zoning District. This request is to reconstruct a non-conforming use, single family dwelling (there are 2 dwellings on the property) and increase the height of the structure by 10'-6" to 29'-6" from 19'.

The Board having considered the Application, a public hearing having been held on March 29, 2021, after giving due notice as required by law, the Board having heard the statements of the Applicant/Applicant's attorney and agents, the Board having considered letters submitted by members of the public and comments by members of the public, the Board having considered Exhibits and the Board having reached a decision on this matter, states as follows:

SPECIFIC FINDINGS OF FACT UNDER THE ELMWOOD CHARTER TOWNSHIP
ZONING ORDINANCE UNDER SECTION 12.6

The Board of Appeals may authorize specific variances from requirements of the Ordinance, with the exception of a use variance, provided **all** of the basic conditions listed herein and any one of the special conditions listed thereafter shall be satisfied.

1. Basic Conditions: A variance from this Ordinance:
 - a. Will not be contrary to the intent and purpose of this Ordinance.
 - i. The Board finds

The Board finds that this standard has/has not been met.

- b. Shall not permit the establishment within a district of any use unless such use is authorized by this Ordinance.

- i. The Board finds

- The Board finds that this standard has/ has not been met.

- c. Will not cause a substantial adverse effect upon property, which includes, but is not limited to property values, in the immediate vicinity or in the district in which the property of the applicant is located.

- i. The Board finds

- The Board finds that this standard has/ has not been met.

- d. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.

- i. The Board finds

- The Board finds that this standard has/ has not been met.

- e. Will relate only to property that is owned or occupied, or where the applicant has equitable interest.

- i. The Board finds

- The Board finds that this standard has/ has not been met.

- f. Shall not be the result of a condition created by the applicant.

- i. The Board finds

- The Board finds that this standard has/ has not been met.

- g. Shall be assessed for the possible (precedential) effects, which might result from the approval or denial of the appeal and which would be contrary to the intent and purpose of this Ordinance.

- i. The Board finds

- The Board finds that this standard has/ has not been met.

2. When all of the foregoing basic conditions can be satisfied, a variance may be granted when one of the following special conditions can be clearly demonstrated:
 - a. Where there are practical difficulties, which prevent carrying out the strict letter of this Ordinance. These difficulties shall not only be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

- i. The Board finds

The Board finds that this standard has/ has not been met.

- b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this Ordinance.

- i. The Board finds

The Board finds that this standard has/ has not been met.

- c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

- i. The Board finds

The Board finds that this standard has/ has not been met.

DECISION

Upon motion by , seconded by, and passed, the Board RULED that the Applicant's variance request be GRANTED/DENIED.

CONDITIONS

- 1.
- 2.
- 3.

TIME PERIOD FOR JUDICIAL REVIEW

MCL 125.3606 provides that any party aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Circuit Court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the ZBA, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of the meeting at which the decision was made.

DATE DECISION AND ORDER ADOPTED